

## Article - Public Safety

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§3-106. IN EFFECT

(a) Subject to subsection (b) of this section, a law enforcement agency may not bring administrative charges against a law enforcement officer unless the agency files the charges within 1 year after the act that gives rise to the charges comes to the attention of the appropriate law enforcement agency official.

(b) The 1-year limitation of subsection (a) of this section does not apply to charges that relate to criminal activity or excessive force.

§3-106. \*\* TAKES EFFECT JULY 1, 2022 PER CHAPTER 59 OF 2021 \*\*

(a) (1) Except as provided in paragraph (2) of this subsection, each law enforcement agency shall establish a trial board process in accordance with this section to adjudicate matters for which a police officer is subject to discipline.

(2) A small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement.

(b) A trial board shall be composed of:

(1) an actively serving or retired administrative law judge or a retired judge of the District Court or a circuit court, appointed by the chief executive officer of the county;

(2) a civilian who is not a member of an administrative charging committee, appointed by the county's police accountability board; and

(3) a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.

(c) Before serving as a member of a trial board, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission.

(d) Proceedings of a trial board shall be open to the public, except to protect:

(1) a victim's identity;

(2) the personal privacy of an individual;

- (3) a child witness;
- (4) medical records;
- (5) the identity of a confidential source;
- (6) an investigative technique or procedure; or
- (7) the life or physical safety of an individual.

(e) A trial board may administer oaths and issue subpoenas as necessary to complete its work.

(f) A complainant has the right to be notified of a trial board hearing and, except as provided in subsection (d) of this section, the right to attend a trial board hearing.

(g) Except as otherwise provided in this subtitle, a law enforcement agency has the burden of proof by a preponderance of the evidence in any proceeding under this subtitle.

(h) A police officer may be disciplined only for cause.

(i) (1) Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the employee:

(i) if the trial board is from a local law enforcement agency, to the circuit court of the county in which the law enforcement agency is located; and

(ii) if the trial board is from a statewide or bi-county law enforcement agency, to the Circuit Court for Anne Arundel County.

(2) An appeal taken under this subsection shall be on the record.

(j) A trial board decision that is not appealed is final.

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